HH 504

PRESERVED

App. F. IX-4]

Previous References. (1941.) Legis File No. 30-
Serial Nos. 1

Later References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B for May 1942

SUBJECT.

The Mysore Coffee Market Expansion ~~Encouragement~~ Act. 1941

To the compiler, Mysore Gazette

WD 03999—GPB—500—11-9-41

No. RL 951 - Legis 30-41-1 dated 18-12-1941
Notifies the publication of the Act in the Gazette

Serial No.

While the Indian Coffee Market Expansion Ordinance (No.XIII of 1940) continues upto the end of August 1941, the Mysore Act which was promulgated on 20th December 1940 as an Emergency Measure, expires on 19-6-1941. Sub-clause (a) of sec 3 of the Mysore Government Act provides for the continuance of the measure by a further period of six months, viz. upto 19th December 1941.

2) The Indian Coffee Market Expansion Board, on whose recommendation the Government of India have to decide on the continuance or otherwise of the Indian measure, appears to have called for the opinions of the Planters and a meeting of the Board has been arranged for on the 19th June 1941 to consider and report on the question.

3) Should the Government of India decide to place the measure permanently on the Statute after 31st August 1941, the Mysore Emergency Act cannot likewise be treated beyond 19th December 1941, as the next session of the Legislative Council will come off only in January 1942.

4) It is therefore for orders if the General Principles of the measure may be placed before the ensuing session of the Representative Assembly and the Bill itself introduced into the Legislative Council in June 1941.

5) The Bill and the General Principles thereof together with the Objects and Reasons will have to be published on the 31st May 1941 at the latest.

For orders

NOTE—Contn. Sheet.

Dated)

Coffee market expansion Ordinance — Continuance

5(1)22/Ord

File No. of 194 . | General and Revenue Secretariat

Serial No.

6) Subd & the First Member in person.

7) The ordinance may be extended for 6 months from 20.6.41. now.

8) The proposal for legislation (with the modifications that may be decided on in Br India may be placed before the Ra in Dasara. if this becomes necessary—

9) Any gap between the ordinance expiring & the passing of the Act can be avoided by calling the session of the L C in June in Dec

Action taken in another file

Secy B Ele 20-9-41

Secy

28/5/41

Letter No 3035 & 5/7/41 from the Secy Indian Coffee Market Expansion Board, forwarding the Resolution of the Board on the future of the Indian coffee market Expansion Ordinance.

9) Subd for perusal. The decision of the Govt of India on the Resolution recommendation of the Board will be awaited

Ras 1/7

Dasby 1/7

10) (The matter requires vigilance & prompt action.)

11) As soon as we know about the action taken by the Govt of India for enacting suitable

12/7/41

GOVT OF

Serial No.

OFFICE OF THE MINISTER FOR LAW
JUL 15 1941
No. 493

379/1/7

R. JUL. 1941
419

legislation, or for extending the term of the Ordinance, suitable steps will be taken to place the general principles before the next Session of the R.A. (Refer Paras 6 – 8 above.)

Minister, Law)
thro' Sec'y Law)

WD
12/7/41

12/7/41

16-7-41

Dewan)

WD
16/7/41

As I have noted elsewhere, it is better to keep the bill ready on the basis of the Executive Act and introduce it in the agenda of business at the Session

WD
17/7/41

For perusal. Action will be taken accordingly.

Minister, Law)

WD 18/7/41

WD 18/7/41

18-7-41

NOTE—Contn. Sheet.

DEWAN'S OFFICE
JUL
17

DEWAN'S MINUTE.

FILE No. 193

1) It will be necessary to pass a permanent Act on the lines of the present Coffee Market Expansion (Emergency) (Amendment) Act which will expire on the 20th December 1941. As it has not yet been decided what changes or amendments will be required, a draft Bill may kindly be prepared in the form of the present Emergency Act and placed before the Representative Assembly at its session in October next.

Mee
16/7/41

OFFICE OF THE
MINISTER FOR LAW
JUL 17 1941
No 28

Law Minister with compliments.

2) Law Secy
Mr
17/7

Hm
2
17/7/41

Serial No.

A draft Bill modelled on the lines of the Emergency Act (as amended recently) and a Statement of General Principles are put up for Consideration.

4) In adapting the Emergency Act certain changes appear to be necessary. They are the following and are submitted for orders:—

5) 1. Section 2 (m): Specific reference to dates is perhaps unnecessary. At the same time the defn. appears desirable, (though "year" has been defined in the General Clauses Act) as it empowers Govt. to declare that 14 months shall be a year. A revised definition is accordingly suggested.

6) 2. Section 5. There being no need any longer to require registration within 1 month of the Commencement of the Act, certain words are omitted in the Bill.

7) 3. Section 14 (2). For a similar reason certain words have been omitted.

8) 4. Section 17 (2). This sub-section appears unnecessary now and has been omitted.

9) 5. In section 3, proviso to section 8 and section 25, references to "the Act" ought to be references to the Emergency Act and not to the Act that will result from the Bill. It is possible that these provisions may have to be made use of and these sections cannot therefore be omitted. A new definition of "Emergency Act" has therefore been suggested and this expression has been used in the clauses corresponding to these

NOTE—Contn. Sheet.

The Nippon Coffee Market Expansion Bill 132/se

File No. 389/NC of 194 | General and Revenue Secretariat

Serial No.

sections.

10) 6. A new clause has also been added repealing the Emergency Act but saving all action taken thereunder.

11) After issue of orders on these points, further action will be taken to place the Bill before the RA in October.

Sgn 21.7.41

NC 601

X

Law Secy)

12) The changes proposed are suitable and may be adopted

Minister for Law) Hm 2 22/7/41
Dewan) Sgn 22.7.41
this Dev. Secy) 13) Hm 24-7-41

WP 23/7/41

OFFICE OF THE MINISTER FOR LAW
JUL 24 1941
No 763

X

14) Some of the provisions of this bill and the statement of objects & reasons would require further consideration in the light of the final decision of the Govt of India | A.

OFFICE OF THE MINISTER FOR LAW
JUL 28 1941
No 906

Nee 25/7/41

Dev Secy WC) Hm 2 25/7/41 Nee 26/7

For perusal

Ministry Law) WP 26/7/41

15) Hm 1 26/7/41

16) Asst Sec'y Dev

A. This should be watched & the file put up immediately we know about the decision. WP 26/7/41

26/7

WP 29/7/41 29/7

Asst Secy WC } Sgn 11/8

11/8

The Mysore Coffee Market Expansion Bill.

General and Revenue Secretariat R. A. & L. C. | File No. 39/M of 194 | [App. F. III-2

Serial No.

Three letters from the Residency sent from the Secretariat Branch are put up for perusal. An ordinance, it is learnt therefrom has been issued on the 28th of ~~last~~ August. A copy is not yet available and may take some time to obtain. It is for orders if the next step may be undertaken in the meanwhile and any necessary Corrections necessary in the light of the British Indian ordinance made to the Bills hereafter as ordered by the Dewan at para 14.

2 A

1/9/41

Secy
RASLe)

BXR
1.9.41

Law Secy)

'A' may be approved.

This is a Council matter and may be disposed of by circulation.

Minister for Law)

Hm
2
2/9/41.

Dewan)

3/9.

NMM
4/9/41

For favour of circulation

Chief Secy)
M.C.

Hm
2
5/9/41

BXR
5-9-41

Submitted with a circulation memo

5/9/41

signed.

NOTE—Contn. Sheet.

E. [illegible] 1941
No. 1617

SECY. LAW DEPT. [illegible] 1941 [illegible]

OFFICE OF THE MINISTER FOR LAW
SEP 3 1941
No. 2/6/9

For Disposal by Circulation.

No. C. 217

of 1941-42

GENERAL AND REVENUE SECRETARIAT

Council Matter.

Subject

Mysore Coffee Market Expansion Bill.

Circulated to the Council of Ministers.

By Order,

6th September 1941.

Chief Secretary to Government.

1275/8.9.41 **Minister for Finance and Revenue.** 8.9.41

Minister for Law. Seen

1647/8.9.41 **Minister for Education.** 9.9.41

1446/9.9.41 **Minister for Local Self-Government and Public Health.** 9.9.41

Law Secy. with Compliments.

10/9/41

10/9/41

10.9.41

The Mysore Offe Manufactures Validation Bill

General and Revenue Secretariat R. A. & L. C.

File No. of 194 Legislative

[App. F. III-2

Serial No.

The Indian Offences (Validation) Ordinance Bill

Flag A

Bulletin of Factories re latest amendment made in British India to Defence of India Ordinance when extending its duration up to 30-6-42.

A Bill on the lines of the present Mysore Emergency Act, and incorporating all the amendments made in British India by the latest ordinance, is put up for orders.

The main Bill file has already been submitted.

Since linked to main file.
11-9-41

6-9-41

Law Secy

8-9-41

Hm
2
11/9/41.

Reference is invited to Flag A. The previous permission of His Highness has already been obtained to place the Bill before the Rd. Le if the British Indian measure should be similarly extended. It is submitted therefore that, if approved, the Bill should be placed before the Rd. in October

The last paragraph of the Statement of Principles has been slightly altered so as to refer to the latest British Indian ordinance.

Secy
Rajke

12-9-41

Law Secy

12-9-41

SECY. LAW DEPT. * 12 SEP. 1941 * GOVT OF MYSORE

NOTE—Contn. Sheet.

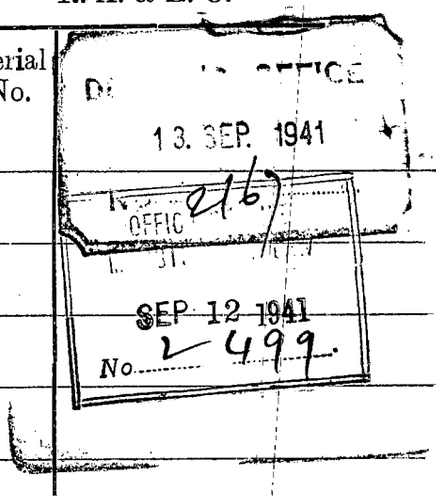
WD [illegible]—GPB—1,000—4-3-41

The Indian Coffee Market Expansion Bill

File No. 200/Rd of 194

General and Revenue Secretariat
R. A. & L. C.

Serial No.



May be approved.

Minister (In Law.) Hm 12/9/41

BKR 12.9.41

Dewan) 12-9-41

Hm 16/9/41

Hm 15/9/41

BKR 15.9.41

Please send a Copy of the Bill and Statement of the Kannada Translating Office and please take urgent steps to place the Bill before Pit. in October.

(Sd) Boyd 15.9.41

From

The Secretary, Indian Coffee Market Expansion Board

3900 d 9.9.41

Forwards proposed amendments to the Bill.

A Copy of Bill drafted prior to the receipt of the British Indian Ordinance VIII of 1941 ~~has~~ was sent to the Secretary, Coffee Market Expansion Board for favour of remarks.

He has now suggested amendments based on the latest amending Ordinance.

But after the Bill was sent to them, a Copy of the Ordinance on receipt there and the Bill

Mysore Coffee market Expansion Bill

General and Revenue Secretariat
R. A. & L. C.

File No. ——— of 194

132 [App. F. III-2

200/41

Serial No.

has been suitably amended. As the amendments proposed now have already been incorporated in the Bill. No further action is therefore called for

24.9.41

Dev Secy)

I agree.

SECY. DEPT. 24 SEP. 1941 GOVT OF MYSORE

(Seen. Thanks.)
WG
24/9/41

Legn Section

The Bill is ready to be R.A. It is for orders who is to be in charge of the Bill in the R.A.

27.9.41

Secy
R.A. & L.C.)

The Development Secretary may be in charge.

BKR
27.9.41

SECY. LAW DEPT. 28 SEP. 1941 GOVT

Law Secy)

Hm
2
28/9/41

BKR
28.9.41

28.9.41

Dev Secy)

NOTE—Contn. Sheet.

WD 01925—GPB—1,000—4-3-41

Serial No.

From.

The Indian Coffee Market Expansion Board

Bby dated 27.9.41

re the Exemption of Certain Contracts under the Indian Coffee Market Expansion Bill.

Under clause 29 of the Bill certain contracts for sale of coffee are taken out of the purview of the Bill, namely:-

(1) Contracts exempted under the Emergency Act; and

(2) Contracts entered into before the date of coming into force of this Bill.

It is suggested that since estates between 10 and 25 acres are now newly included within the operation of this measure (clause 5), and as the Bill will come into force only after passing through the Legislative Council and receiving the assent of His Highness, it will be possible for estates (between 10 and 25 acres) to enter into forward contracts and thus release their entire crop from ~~contract~~ control.

This position appears to be correct. The only way in which it could be prevented appears to be to exempt only those contracts which have been entered into prior to a particular date. This date could perhaps be 28-8-41 being the date of similar exemption in British India. In clause 29(b), this date could perhaps be incorporated.

NOTE—Contn. Sheet.

Coffee Market Expansion Bill — Objection from the Board

File No.. of 194

General and Revenue Secretariat
R. & L. C.

DEWAN'S OFFICE
7 OCT. 1941
NO 2930

OFFICE OF THE MINISTER FOR L.A.
SEP 30 1941
No 3198

Serial No.

This will not work as a hardship as notice of such contracts will continue to be required to be given only within 21 days after the coming into force of this Bill (latter part of clause 29).

If approved this change will be incorporated in the Bill at the Legislative Council stage.

Yes.

WO
30/9/41

Sow
30.9.41

Dev. Secy)

Minister, Law)

WO
30/9/41

OFFICE OF THE MINISTER FOR FINANCE & REVENUE
C SEPT. 1941
No. 1897

Minister for Finance & Revenue)

Pw
30/9

K.A.
1.10.1941

(Please keep this in the concerned file)

WO

Sub for perusal. 1/10/41

Dewan)

WO 6/10/41

6/10

Nile
7/10/41

WO

Legislation Section)

WO
7/10/41

WO
7/10/41

Sow
10.10.41.

Decisions of the All-India Coffee Conference at New Delhi.

D.O. letter dt. 20.10.1941 from the Secy. Indian Coffee Market Expansion Board, reporting, among other things, the important decisions arrived at the Coffee Conference at New Delhi on 20.10.1941 on the future legislation for controlling Coffee production and marketing.

If the recommendation of the Conference as reported at para 5(2) of the Secy's letter is accepted and given effect to by the Govt. of India, viz. to extend the provisions of the present to Coffee alone, Clause 5 of the Bill Report Bill will have to be suitably recast.

Submitted for perusal and orders if the papers may be sent to the Legislature Secy also for note.

Kyon 28/10 30/10/41

Dy. Secy)

Legis. Secy) 30/10/41

SECY. DEV. DEPT. 29. OCT. 1941 MYSORE

Serial No.

The general principles of the Bill were approved by the Assembly.

In clause 29(b) of the Bill, the date up to which forward contracts will be recognised under this measure has to be specified. In the light of the Emergency Act passed recently and in accordance with the law in British India, this date has to be 28th August 1941.

Flag T

Yes

Flag S.

Reference is invited to the letter from the Indian Coffee Market Expansion Board wherein the decisions arrived at the conference held in New Delhi recently has been enumerated. Point No.2 that power should be given to reduce the registrable area appears to require some modification in clause 5 of our Bill.

To sub-clause (1) a proviso may perhaps be added after the existing proviso as follows:-

(2)

For order.

"Provided further that the Government may from ~~xxd~~ time to time by notification in the Official Gazette registrable, whereupon fix any other area, the owner ~~of which~~ shall ~~therefrom~~ upon become subject to the provisions of this sub-section."

Reference is however invited to sections 25 and 26(2) of the Government of Mysore Act. It appears to follow that the Bill as introduced in the Legislative Council must be identical with that placed before the Representative Assembly except amendments carried by a majority of not less than two-thirds of the total number of members of the Representative Assembly which

Mysore Coffee Market Expansion Bill

File No. 200/41 of 194

General and Revenue Secretariat
R. A. & L. C.

Serial No.

DEWAN'S OFFICE
15. NOV. 1941
NO 4139

Government have not rejected under the proviso to 26(2).

It is for orders therefore whether motions may be put up for inclusion of the two amendments in the Bill.

The Bill will, if approved, be published under rule 36 of the Legislative Council Rules. The statement of principles which is comprehensive will if approved be adopted as Statement of Objects and Reasons.

Sd/- 14.11.41

Law Secy)

REGY. LAW DEPT.
14 NOV. 1941
GOVT OF MYSORE

The date to be specified in cl 29(6) may be 28-8-41 as in the Emergency Act } Yes.

The proviso suggested to cl (5) of the Bill may be added as the principles of the Bill will continue to be the same as were approved by the R.A. No separate motion is necessary. } Whether this provision is necessary in order.

As amended the Bill may be published under R. 36.

Minister) Hm 15.11.41.
for Law

Dewan) Sd/- 15.11.41
(Thro' Dev Secy) It is better to leave the proviso

Hm 15/11

15/11/41

OFFICE OF THE MINISTER FOR LA
NOV 15 1941
No 4843

Bill 14/11/41

Hm 17.11.41.

Please make the necessary Corrections and take steps to have the Bill published.

Sd/- 17.11.41

(147)

The Mysore Coffee Market Expansion Bill

General and Revenue Secretariat
R. A. & L. C.

File No. 200 RL of 1941-42 App. F. III-2

Serial No.

Necessary Corrections have been made in the Draft bill. A Draft notification, publishing the same under rule 36 of the Mysore Legislative Rules is put up for approval.

1962
18.11.1941
BVN
18/11/41

Issue
Sd/-
19.11.41

The Comptroller, Mysore gazette
(With 100 RL 151) dated 19.11.1941
Publishes the bill under rule 36 of the
Mysore Legislative Rules, 1941.
The Emergency Act expires in December and reference
to a Select Committee may mean delay. Further the
Bill is non Controversial

The following motions are therefore suggested.

1. Motion that the Bill published under Rule 36
of the Mysore Legislative Rules be taken into Consideration
by the Council at once.

Mover: Minister for ~~Law~~ Finance & Revenue
Seconder: Dev. Secy

Motion that the Bill be passed

Mover: Minister for ~~Law~~ Finance & Revenue
Seconder: Dev. Secy

Sd/-
20.11.41

Law Secy)
May be approved.

Minister)
for Law)
Thro' Dev. Secy)

I think this is one
for Minister for Finance
20/11/41.

Hm
2

Minister for Finance
Sd/- 21/11

Sd/- 21/11

Hm
24.11.41

OFFICE OF THE MINISTER FOR LAW
NOV 21 1941
No. S.I.V.0

SECY. LAW DEPT
20 NOV 1941

Note Continue Sheet.

1941

2986.

Noted & returned
C
20/11

The P.A.S for Law
Nov 24/11/41.

The Nyasaland Coffee Marketing Board

File No. of 194

General and Revenue Secretariat
R. A. & L. C.

Serial No.

The Bill was introduced in the LC today and passed by it at one Sitting.

A Copy of the Bill signed by the President has been received from the Secy, LC. and as required by the Govr is placed below.

A D.F.N is also put up for Consideration

Sd
15.12.41

Secy (Agric)

PBKR
15.12.41

Law Secy

D.F.N. submitted

Minister Fin & Rev.

Hm
15.12.41.

15/12

DEPUTY COMMISSIONER'S OFFICE
15 DEC 1941
No. 5745

OFFICE OF THE MINISTER FOR FINANCE & REVENUE
15 DEC 1941
No. 3602

Signed D.F.N. in triplicate is placed below

15/12

FINAL NOTE BY THE MINISTER FOR FINANCE AND REVENUE.

Subject:— THE MYSORE COFFEE MARKET EXPANSION BILL.

The gracious approval of His Highness was accorded on the 20th June 1941 to place the Mysore Coffee Market Expansion Bill permanently on the Statute Book, should the Government of India do so. By an Ordinance promulgated on the 28th August 1941, the British Indian Ordinance has been extended up to 30th June 1942. It is also likely that action will be taken to extend the measure in British India for the duration of the war and some time thereafter. As the Emergency Act promulgated in Mysore on the 20th December 1940 and continued thereafter for a further period of six months, will expire this month, steps have been taken to place the Bill permanently on the Statute Book. The general principles of this Bill were placed before the Representative Assembly in October and were approved by that House. The Bill was introduced in the Legislative Council today and was passed by it at one sitting. A copy of the Bill as passed by the Legislative Council and signed by the President of the Legislative Council is placed below.

I solicit the gracious sanction of His Highness to promulgate the Bill into law.

M. V. Chandrasekhara Iyer

Minister,
Finance and Revenue

Bangalore,
15th December 1941.

Submitted to His Highness.

I submit herewith a Final Note by the Minister for Finance and Revenue on the subject of the promulgation into law of the Mysore Coffee Market Expansion Bill, for His Highness's gracious approval.

D. Raoe Rau

DEWAN.

Camp Mysore,

16th December 1941.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Promulgation into law of the Mysore Coffee Market Expansion Bill.

Order.

17/12/'41.

Immediate

C 524.

General and Revenue Secretariat.

SUBJECT:—

Promulgation into Law of the Mysore Coffee Market Expansion Bill

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

34. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.) (*)

Chief Secretary to Government.

Through the Secretary to Government,

Law .....Department. 18.12.41.

As the period of the Emergency Act expires on 19th, this Act may be promulgated at once and then circulated.

Minister (Fin & Rev.) 18.12.41.

18.12

Minister for Finance and Revenue.

Minister for Law.

18.12.41

Minister for Education.

The Act will be first published as a Supplement to today's issue of the Gazette, if approved

Secy 18.12.41

Minister for Local Self-Govt. and Public Health.

Law (Secy) 18.12.41

16.12.41.

NOTE.—Contn. sheet

WD 04199—GPB—500—27-9-41

Mysore Coffee Market Expansion Act

General and Revenue Secretariat R. A. & L. C. | File No. 200/42 of 194 . | App. F. III-2

Serial No.

The gracious assent of His Highness on 17.12.41 has been accorded to promulgate the bill into Law.

The Act will be issued as Act No XXIII of 1941. ~~Bill issued~~ ~~Issue bill~~ on 18.12.41

Secy (A & R)

Approved & the Secy R & C and Law Secy

Issue

on 18/12/41.

Issued RL 1155 d 18.12.41 directing publication of the Act as XXIII of 1941.

Issued Errata Correcting the No as Act XXIV of 1941

Approved, this file will be recorded

20. 8-5-42 BVN 8/5

20. 8-5-42

SECRET

NOTE—Contn. Sheet.

No. We are very grateful for kindly putting us in the picture re the Emergency Act. Amendment Act. 1941

The Govt. may want to [illegible] Legislation to [illegible] may be obtained from [illegible] Officer

Dear Achin is being taken in hand by the Legislative Section to draft a Bill and place it before the R.A. or L.C. this Session

Yours sincerely

Done 21/7/41 JW received

Tele-grams : Cofcesscom
phone : 2266

132
DRC

No. 3035.

INDIAN COFFEE MARKET EXPANSION BOARD

BANGALORE

Dated July 5, 1941.

From

Simon, Esq.,
Secretary, Indian Coffee Market Expansion Board.

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
Development Department,
Bangalore.

Subject:- Continuance of Coffee Control.

Sir,

I am directed to forward for the information of the Government of Mysore the following resolutions unanimously adopted by my Board at its meeting held on the 21st June 1941, and since submitted to the Government of India for consideration:-

Resolution 1:

"That control be continued for the period of the war and for one year (i.e., 1st July to 30th June) after the cessation of hostilities, provided that the Central Government may issue directions for the administration of the balance of the funds maintained by the Board and the disposal of any stocks of coffee left in the surplus pool at the expiry of the control in the same manner as if the Board had continued to exist."

Resolution 2:

"That His Excellency the Governor General be requested to extend the Coffee Market Expansion Ordinance, which according to Section 1 (4) expires on the 31st August 1941, until such time as it can be replaced by suitable legislation."

I have the honour to be,

Sir,

Your most obedient servant,

Simon
Secretary,
Indian Coffee Market Expansion Board.

KVV.

grams: Cotcesscom
phone: 2266

No. 3900

~~INDIAN COFFEE CESS COMMITTEE~~
INDIAN COFFEE MARKET EXPANSION BOARD

BANGALORE

Immediate.
Please see me!

DEV. D.
10. SEP. 1941
GOVT. OF MYSORE

Dated Septr. 9, 1941.

(Amt Bill from Legn) WQ 2359

M. J. Simon, Esq.,
Secretary, Indian Coffee Market Expansion Board.

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
Development Department,
B A N G A L O R E.

Sir,

With reference to your letter No.D.1265 dated the 8th September 1941, I have the honour to return herewith the copy of the Mysore Coffee Market Expansion Bill forwarded by you.

2. I enclose a list of the amendments I think necessary in the draft bill to bring it in line with the Coffee Market Expansion Ordinance, 1940, as amended up to date.

3. A copy of the Coffee Market Expansion (Second Amendment) Ordinance, 1941, is also sent herewith for ready reference.

I have the honour to be,

Sir,

Your most obedient servant,

M. J. Simon
~~Secretary~~,
Indian Coffee Market Expansion Board.

Amendments to the draft Mysore Coffee Market Expansion Bill and explanatory notes thereon.-

(1) Delete the words "regulating the export of coffee from and" in the amplification of the Bill.

There is no provision in this Act for the regulation of export of coffee from the State.

(2) In the preamble read "The Mysore Coffee Market Expansion (Emergency Continuance) Act, 1941", for "The Mysore Coffee Market Expansion (Emergency Continuance) Act, 1940".

(3) Sub-section (1) of section 1 should read "This Act may be called the Mysore Coffee Market Expansion Act, 1941".

(4)(1) In section 2, Clause (h) may be re-numbered as clause (a).

(2) The definition of "Ordinance" in clause (h) may be expanded to'"Ordinance" means the Coffee Market Expansion Ordinance, 1940, of the Government of India as amended from time to time.'

(3) Clause (m) may be amended as follows: '"Year" means the period of twelve months beginning with the 1st day of July and ending with the 30th day of June.'

The proviso to this clause may be deleted.

(5) In sub-section(1) of section 5, substitute '10' for '25'.

(6) Delete "(1)" in section 8.

(7) In sub-section(1) of section 8, delete the words "after the commencement of the Emergency Act".

(8) The proviso to subsection(1) of section 8, substitute the words "before the estate became subject to the provisions of sub-section(1) of section 5" for the words "before the

3rd day of December 1940" wherever they occur; and for the words "after the commencement of the Emergency Act", substitute the words "after the estate became so subject"

(9) Add a new section 10 as follows:-

"No owner of an estate not registered under this Act shall sell from, or store on his estate, or cause or permit to be sold from, or stored on his estate any coffee not grown on the estate".

(10) In sub-section(1) of section 11, delete the words "after the commencement of this Act".

(11) For section 20, substitute the following:-

"20 (1) - Any registered owner who contravenes the provisions of sub-section(2) of section 7, or section 8 or section 9, any licensed curer who contravenes the provisions of sub-section(2) of section 7; and any person who contravenes the provisions of section 10 shall be punishable with fine which may extend to Rs.1000.

(2) - When a registered owner is convicted under this section, the Board may thereafter deduct from any payment to be made under section 18 to such registered owner a sum equal to the value as estimated by the Board of any coffee unlawfully sold by him".

(12) In section 23, insert the words "or refuse information lawfully asked for" between the words "when required to do so" and "by a member". Also insert the words "or ask for such information" between the words "inspect such records" and "shall be punishable".

(13) In section 27, delete the words "registered" and add at the end of the section the words "or ask for any information relating to the production, storage or sale of coffee by the estate.

(14) For section 29, substitute the following:-

"29. Nothing in this Act shall apply to or affect a contract for sale of coffee <u>Contracts</u>

entered into -

(a) before the third day of December 1940 by the owner of a coffee estate which has been subject to sub-section 1 of section 5 from the commencement of the Emergency Act or

(b) before the commencement of this Act by the owner of a coffee estate which became subject to sub-section (1) of section 5 on the commencement of this Act,

If in the case referred to in clause (a) before the expiration of 21 days from the commencement of the Emergency Act, or in the case referred to in clause (b), before the expiration of 21 days from the commencement of this Act, the owner of the coffee estate or the exporter who has effected the contract has furnished to the Government particulars of such contract; but all contracts not saved by the provisions of this section shall in so far as they are at variance with the provisions of this Act, be void.

Very Urgent

Tele-grams : Cofcesscom
phone : 2266

No. 8604

INDIAN COFFEE MARKET EXPANSION BOARD

1731

OFFICE OF THE SECRETARY, REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL
29 SEPT. 1941
BANGALORE

Dated Sept. 27, 1941.

GOVT. DEV. DEPT.
From
29 SEP. 1941
GOVT. OF MYSORE

Ref's at once

From

P. Pai Esq., I.C.S.,
Controller of Coffee,
Indian Coffee Market Expansion Board.

Please see me with the file

The Secretary to the Government of His Highness
the Maharaja of Mysore,
Development Department,
BANGALORE.

Asst Sec'y
Legis Sec'tn)

Sir,

Ref:- Your letter No.1265 of 8.9.1941 to the Secretary to the Indian Coffee Market Expansion Board and the letters reply No.3900 of 9th September 1941.

I have the honour to invite your attention to Section 47 of the Indian Coffee Market Expansion Ordinance XIII of 1940 as amended by the Second Amending Ordinance of 1941. This accords a measure of immunity to forward sales of coffee by estates of between 10 and 25 acres newly coming under Control as and from 28.8.1941. The period of 21 days within which to notify such contracts to the Board expired on 18.9.1941, and only six such contracts have been so ~~far~~ notified. It is noticeable however that contracts are now being notified by estates in Mysore even though the parallel legislation is still due to be passed, and it appears likely that with the longer notice that Mysore Estates have had such a measure of immunity if accorded by the Mysore Act will have the effect of releasing the entire crop of estates ~~in~~ between 10 and 25 acres in the State from Control. I have the honour to request that the Government might be pleased to consider this aspect of the matter when the Bill is before the Legislature.

I have the honour to be,
Sir,
Your most obedient servant,

Controller of Coffee,
Indian Coffee Market Expansion Board.

D. O. No.

INDIAN COFFEE MARKET EXPANSION BOARD
BANGALORE

Delhi, October 20, 1941.

Dear Sir,

NO 24540

On the 13th morning I left Bangalore for Calcutta.

2. Mr. Krishna Moorthi, our Organizer, who has been in Culcatta since early September wired to me to go over to Culcatta to approve of two or three places he had selected for our Coffee House. I reached Culcatta on the 15th. The only place which appeared to be suitable for a Coffee House was a new building under construction on the Central Avenue now called Chitraranjan Avenue. It is a stone's throw from Chowringee. The rent of the premises is Rs.700/- per month. I sincerely hope that the business we shall eventually capture in this area will be large enough to compensate for the high rent we have to pay.

3. From Culcatta I went to Lucknow where also another Organizer, Mr. Ashfaque, had been looking out for suitable premises for a Coffee House. We have fixed upon a Lucknow Improvement Trust Building at a rent of Rs.250/- per month.

4. From Lucknow I proceeded direct to Lahore where the Coffee House has recently been shifted into larger premises. The inaugural ceremony was on the 15th October. We now pay a rent of Rs.225/- as against the Rs.70/- we were paying for the old premises. There is every hope of Lahore soon paying its way.

5. From Lahore I reached Delhi yesterday morning. I thought I could stay on here to attend the Conference which was held to-day. The Hon'ble Member Sir A. Ramaswamy Mudaliar presided. Mr. H.M. Hood, Mr. T. G. Rama Iyer Mr. J. W. Pritchard, Mr. P.H. Rama Reddy and Dr. W. Burns represented their respective Governments. Sir Frederick James

Mr. W.K.M.

Mr. W.K.M. Langley, Mr. Kirwan, Capt. A.L. Hill, Mr. Nagappa Setty, Dewan Bahadur Chengappa and Mr. Sylvester Pais were also present besides Mr. Periasamy Nadar. Mr. T.S. Pillai, Mr. S.R. Zaman and Rai Saheb P.M. Mukerjee of the Commerce Department also attended besides Mr. M.P. Pai. The Conference commenced at about 11 A.M. and ended by 1 P.M. The important decisions arrived at by the Conference were:

(1) that Control should continue during the period of the war and a year thereafter;

(2) that the registrable area should be reduced to ten acres this year. But in the legislation power should be retained by the Central Government to fix this area so that in case it was found necessary next year still further to reduce the registrable area to five acres or so this could be done without going before the legislature with an amendment of the Act;

(3) that the Board should be invested with powers to borrow on the security of the coffee in the Surplus Pool and that the amount of the loan be fixed as so much rupees per cwt of coffee in the Pool subject to an over-all maximum and also that over certain limits the sanction of the Central Government should be obtained for further loans;

(4) that the Internal Sale Quota should be fixed only as a percentage of production and not as a definite quantity per acre as had been suggested by the Nilgiri Coffee Growers;

(5) that a Bill generally on the lines of existing Ordinance should be introduced in the Central legislature during the next Budget Session in February or March.

(6) that the Chairman of the Board shall be a nominee of the Central Government but not necessarily a member of the Board; and

(7) that the headquarters of the Controller of Coffee

shall be at Mangalore during the shipping season.

6. It is most gratifying to report that the Conference was a complete success from the point of view of placing before the Hon'ble Member the agreed views of the industry. I believe that the Hon'ble Member was highly pleased with the success of the Conference.

7. I am leaving for Bombay tomorrow morning and hope to reach Bangalore on Saturday or on Sunday at the latest.

Yours sincerely,

M.J. Simon

(M.J. Simon).

Rajamantrapravina N. Madhava Rau, B.A., B.L.,
Dewan of Mysore,
Bangalore.

TVK.

D.O.NO.S.76.

Bangalore,

24th October 1941.

Dear Mr. Simon,

The Dewan has asked me to acknowledge with many thanks the receipt of your letter of the 20th October regarding the items of business transacted at the Coffee Conference held recently at Delhi and other matters relating to the work of the Coffee Marketing Expansion Board.

Yours Sincerely,
(Sd) E d a Costa
24.10.41

M.J. Simon Esq.,
Secretary,
Indian Coffee Market Expansion Board,
BANGALORE.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. R.L.951. General and Revenue Secretariat,

Dated Bangalore, 19:11:41:

6 copies

NOTIFICATION.

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the accompanying Mysore Coffee Market Expansion Bill, together with the statement of objects and reasons.

By Order,

19.11.41

for Secretary to Government,

Law Department.

To

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette and supply of 350. copies to the Secretariat.

Memo No. R.L.952. Dated Bangalore, 19/11/. 1941.

Copy of the above is forwarded with compliments to the Secretary, Legislative Council, for information.

By Order,

For Secretary to Government,

Law Department.

BVM
18/11

Notification No.Rl.1272, dated 20th January 1942, published in the Mysore Gazette, January 22, 1942.

Erratum.

In Notification No. Rl.1155, dated 18th December 1941, for the words and figures "Act No.XXIII of 1941" read "Act No.XXIV of 1941".

By Order,

Sd/- H.V.Narayana Rao,

Secretary to Government,
Law Department.

NOTIFICATION.

No. R. L. 951, *dated Bangalore,*
the 19*th November* 1941.

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the accompanying Mysore Coffee Market Expansion Bill, together with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

THE MYSORE COFFEE MARKET EXPANSION BILL.

Statement of objects and reasons.

As a result of the present war, the European markets (with the possible exception of Great Britain) which absorbed about one half of the total quantity of coffee produced in India became practically closed for the export of Indian Coffee. It was feared that the whole crop would be unloaded on the Indian market and the price thereby considerably reduced, a substantial portion remaining unabsorbed. Persons interested in the industry therefore commenced to explore the possibility of controlling the marketing of coffee. Mysore, which accounts for about half the coffee produced in India, was also interested in the solution of this problem.

In September 1940, the Hon'ble the Commerce Member of the Government of India convened a conference at Madras for the purpose of considering the question. The representatives of the Government of Mysore, Madras,

Coorg and Travancore also attended. At that Conference the following tentative conclusions were reached, namely :—

(1) that all estates exceeding a certain acreage should get registered ;

(2) that the owners of registered estates should be allotted a quota for the sale of coffee in the Indian market, depending on the anticipated demand and liable to revision from time to time ;

(3) that coffee produced in excess of the quota should be handed over to a common pool, and that such coffee should be exported or if found more profitable, released for internal sale ;

(4) that the monies realised by sales from the pool should be distributed among those who have contributed to the pool in proportion to their contributions ; and

(5) that the Indian Coffee Cess Committee should be enlarged and invested with requisite powers to function as a Control Board.

The Government of India who were requested to undertake necessary legislation in order to implement these conclusions, promulgated in December 1940 an Ordinance (XIII of 1940) called the Coffee Market Expansion Ordinance. In Mysore also legislation was undertaken by means of an Emergency Act (XXVIII of 1940) in this behalf.

It was expected that the scheme would be tried for a short time and in British India the legislation has been expressed to be for a limited period only. In Mysore the limitation was impliedly provided for by the enactment of emergency legislation whose operation was therefore limited to a period of six months. But as this Emergency Act extended up to June 1940 only, whereas the British Indian Ordinance was expressed to extend up to 31st August 1941, the Emergency Act has been extended by a further period of six months by Act XI of 1941.

As its results have proved beneficial to the industry, it has been proposed to continue the scheme for some time more. In British India by Ordinance VIII of 1941 promulgated on the 28th August 1941, the Coffee Market Expansion Ordinance has been continued up to the 30th day of June 1942 and should the coffee interests so desire, it is likely to be the basis of legislation for a longer period. It has therefore become necessary to take

similar action in Mysore. The present Bill which is modelled on the Emergency Act is intended to secure this object.

THE MYSORE COFFEE MARKET EXPANSION BILL.

WHEREAS the Mysore Coffee Market Expansion (Emergency) Act, 1940, was promulgated on the 20th day of December 1940 to provide for assistance to the coffee industry by regulating the export of coffee from, and the sale of coffee in, Mysore and by other means and was continued by the Mysore Coffee Market Expansion (Emergency Continuance) Act, 1941.

AND WHEREAS it is expedient to continue the provisions contained in the aforesaid Acts; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Mysore Coffee Market Expansion Act, 19.....

(2) It extends to the whole of Mysore.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "the board" means the Indian Coffee Market Expansion Board constituted by the Government of India under the Ordinance;

(*b*) "coffee" means the commodity derived from the fruit of the rubiaceous plant known by that name, and includes raw coffee, cured coffee, uncured coffee, roasted coffee and prepared coffee;

(*c*) "controller of coffee" means the controller of coffee appointed under the Ordinance;

(*d*) "curing" means the application to raw coffee of mechanical processes, other than pulping, for the purpose of preparing it for marketing;

(*e*) "curing establishment" means any place to which raw coffee is sent by a registered owner for curing, and includes any estate which the Board may declare to be a curing establishment for the purposes of this Act;

(*f*) "Emergency Act" means the Mysore Coffee Market Expansion (Emergency) Act, 1941.

(*g*) "estate" means an area administered as one unit which contains land planted with coffee plants;

(*h*) "internal sale quota" means that portion stated in terms of bulk or weight, of the whole of the coffee produced by an estate in the year which a registered estate is permitted to sell in the Indian market;

(*i*) "Ordinance" means the Coffee Market Expansion Ordinance, 1940, of the Government of India;

(*j*) "prescribed" means prescribed by rules made under this Act;

(*k*) "registered estate" means an estate in respect of which an owner is registered under sub-section (1) of section 5, or under sub-section (1) of section 14 of the Ordinance, or under any law or rule having the force of law of an Indian State; and includes also any estate in respect of which an owner is required to be registered under the provisions abovementioned;

(*l*) "registered owner" means an owner of a registered estate who has been or is required to be registered under sub-section (1) of section 5;

(*m*) "surplus pool" means the stock of coffee accumulated by the Board out of the amounts delivered to the Board under section 14.

(*n*) "year" means the period of twelve months beginning on the 1st day of July and ending on the 30th day of June following.

Duty of excise.

3. A duty of excise shall be levied at such rate not exceeding one rupee per hundredweight as may be fixed by the Government, on the recommendation of the Board, by notification in the official Gazette on all coffee, except coffee sold and delivered before the estate became subject to the provisions of sub-section (1) of section 5, which a registered estate is permitted by the internal sale quota allotted to it to sell in the Indian market, whether such coffee is actually sold or not, and on all coffee released for sale in India by the Board from the surplus pool.

Payment of proceeds of duty to the Board and manner of realisation by the Board.

4. (1) The proceeds of the duty of excise levied under section 3 shall be paid to the Board for credit to the general fund of the Board.

(2) The duty of excise on coffee shall be payable by the registered owner of the estate producing the coffee and shall be realised by the Board by the deduction of the amount of the duty payable by such owner from any

sum due to him on account of sales from the surplus pool. It shall be a first charge on such sum, and shall, if not capable of realisation by deduction as aforesaid, be paid to the Board by the registered owner within one month of demand by the Board or thereafter be recoverable from him as an arrear of land revenue.

(3) The Board shall have power to adjudge by bulk the number of hundredweights contained in any quantity of uncured coffee.

(4) No action of the Board under this section shall be called in question by any Court.

Registration of owners of coffee estates.

5. (1) Every person owning land planted with coffee plants aggregating not less than 10 acres, whether such land is comprised in one estate or in more than one estate shall, before the expiration of one month from the commencement of this Act, or before the expiration of one month from the date on which, after the commencement of this Act, he first becomes subject to the provisions of this sub-section, apply to the registering officer appointed in this behalf by the Government to be registered as an owner and in respect of each estate owned by him :

Provided that where the estate or estates in question are situated partly in Mysore and partly in another Indian State or States, the application shall be made to the registering officer appointed by any State.

Provided further that the Government may from time to time by notification in the Official Gazette fix any other registrable area whereupon the owner shall become subject to the provisions of this sub-section

(2) A registration once made shall continue in force until it is cancelled by the registering officer.

(3) If any question arises whether an owner of an estate is or is not required to be registered under this section, the question shall be decided by the Controller of Coffee.

Power of Government to make rules.

6. (1) The Government may, by notification in the official Gazette, make rules to carry into effect the provisions of section 5.

(2) Without prejudice to the generality of the foregoing power, such rules may prescribe the form of the application for registration and for cancellation of registration, the fee payable on such applications, the particulars to be included in such applications, the

procedure to be followed in granting and cancelling registration, the registers to be kept by registering officers, and the supply by registering officers of information to the Board.

Maximum prices for sale of coffee wholesale.

7. (1) The Government may, after consultation with the Board, by notification in the official Gazette fix the maximum price or prices at which coffee may be sold wholesale in the Indian market.

(2) No registered owner or licensed curer shall sell coffee wholesale in the Indian market at a price exceeding the maximum fixed under this section.

Sale of coffee in excess of internal sale quota.

8. No registered owner shall sell or contract to sell in the Indian market coffe from any registered estate if by such sale the internal sale quota allotted to that estate is exceeded:

Provided that nothing in this section shall apply to coffee sold from a registered estate in excess of the internal sale quota if such sale was in pursuance of a contract of sale entered into before the estate became subject to the provisions of sub-section (1) of section 5 and if, after the estate became so subject, no coffee has been sold from that estate in the Indian market except in pursuance of a contract of sale entered into before the estate became subject to the provisions of sub-section (1) of section 5.

Sale of coffee how made.

9. No registered owner shall sell coffee unless either—

(*a*) it has been cured at, or is delivered to the buyer through a curing establishment licensed under section 16 or,

(*b*) it is sold under and in accordance with the provisions of a licence procured from the Government under section 13.

Storage or sale of coffee from un-registered estate.

10. No owner of an estate not registered under this Act shall sell from, or store on his estate or cause or permit to be sold from or stored on his estate any coffee not grown on the estate.

Internal sale quota.

11. (1) The Government shall, as soon as may be, allot to each registered estate an internal sale quota for the year.

(2) The internal sale quota shall be a fixed percentage common to all registered estates, of the probable total production of the estate in the year as estimated by the Board.

(3) The Government may at any time vary the internal quota by varying the fixed percentage common to all registered estates, or may express the whole or any part of the internal sale quota of an estate in terms of bulk instead of in terms of weight.

Returns to be made by registered owners.

12. (1) A registered owner shall furnish to the Board at the prescribed times and in the prescribed manner such return as may be prescribed.

(2) If any registered owner fails to furnish the returns required under sub-section (1) in respect of any estate, the Government may refuse to allot an internal sale quota to that estate, or, where an internal sale quota has already been allotted, may cancel it.

(3) The Government may authorise an officer to visit any estate at any time to verify the accuracy of any return made under this section or to ascertain the productive capacity of the estate.

Licences for sale of uncured Coffee.

13. The registered owner of any estate may, subject to the prescribed conditions and so long as the internal sale quota allotted to that estate will not be exceeded by the proposed sale, obtain from the Government a licence for the sale from that estate of uncured coffee.

Surplus coffee and surplus pool.

14. (1) All coffee produced by a registered estate in excess of the amount specified in the internal sale quota allotted to that estate shall be delivered to the Board for inclusion in the surplus pool by the owner of the estate or by the curing establishment receiving the coffee from the estate.

(2) Delivery shall be made to the Board in such places and in such manner as the Board may direct, and such directions may provide for partial delivery to the surplus pool at any time whether or not at that time the internal sale quota has been exceeded, and the coffee delivered shall, unless the Board otherwise directs in the case of coffee already in curing establishments at the commencement of this Act, be such as to represent fairly in kind and quality the produce of the estate. The Board may reject any consignment offered for delivery which does not satisfy this requirement, but shall not reject any consignment merely for a defect in curing.

(3) Coffee delivered for inclusion in the surplus pool shall, upon delivery to the Board, remain under the control of the Board which shall be responsible for storage, curing where necessary, and marketing of the coffee.

(4) The Board shall prepare a differential scale for the valuation of coffee, and shall, in accordance with that scale, classify the coffee in each consignment delivered for inclusion in the surplus pool according to its kind and quality, and shall make an assessment of its value based on its quantity, kind and quality.

(5) The Board may, with the consent of a registered owner, before an internal sale quota has been allotted to an estate, treat as having been delivered for inclusion in the surplus pool any coffee from such estate which the registered owner may agree to have so treated.

Coffee to be cured in licensed curing establishments.

15. No registered owner shall cause or allow coffee to be cured elsewhere than in a licensed curing establishment, whether the curing establishment is maintained by himself or by another person.

Licenses of curing establishments.

16. Every establishment for curing coffee shall obtain from the Government a licence to operate as such.

Information to be supplied to the Board in connection with curing.

17. (1) A registered owner when sending coffee to a curing establishment shall report to the Government, separately for each estate from which coffee is sent, the amount of coffee sent; and the curing establishment shall, in accordance with such instructions as may be issued by the Government and having regard to the internal sale quota of the estate, apportion each such consignment into two parts, one part consisting of coffee intended for internal sale and one part of coffee intended to be delivered for inclusion in the surplus pool and shall report to the Government the amount of coffee in each such part.

(2) Every curing establishment shall, so far as may be, comply with the provisions of sub-section (1) in respect of all coffee in the establishment at the commencement of this Act.

(3) A registered owner curing coffee in a curing establishment maintained by himself shall supply to the Government the information specified in sub-section (1).

(4) A curing establishment which buys or receives uncured coffee from any person shall ascertain the estate on which the coffee was produced and shall report to the Government the quantity of coffee so obtained and the estate or estates from which it came.

(5) Every curing establishment shall maintain accounts in such forms as may be required by the Government and such accounts shall be open to inspection at any

time by the Government or by an officer authorised in this behalf by the Government.

Payments to registered owners.

18. The registered owner of an estate in Mysore shall be paid from the pool fund maintained under the Ordinance, payments for coffee delivered by him for inclusion in the surplus pool which he would be entitled to receive under the Ordinance if such estate had been situated in British India.

Failure to register.

19. Any owner of a coffee estate who fails to apply for registration in accordance with section 5 shall be punishable with fine which may extend to one thousand rupees and to a further fine which may extend to five hundred rupees for each month after the first during which such failure continues.

Sale of coffee in contravention of section 7, 8, 9 or 10.

20. (1) Any registered owner who contravenes the provisions of sub-section (2) of section 7, or section 8, or section 9, any licensed curer who contravenes the provisions of sub-section (2) of section 7 ; and any person who contravenes the provisions of section 10 shall be punishable with fine which may extend to one thousand rupees.

(2) When a registered owner is convicted under this section, the Board may thereafter deduct from any payment to be made under section 18 to such registered owner a sum equal to the value as estimated by the Board of any coffee unlawfully sold by him.

Unlicensed curing establishment.

21. If any curing establishment operates as such withont a licence, the owner shall be punishable with fine which may extend to five hundred rupees.

False returns.

22. Any person who makes in any return to be furnished under section 12 or in any report to be made under section 17 any statement which is false and which he knows to be false or does not believe to be true shall be punishable with fine which may extend to one thousand rupees.

Obstruction.

23. Whoever obstructs any member or officer of the Government or the Board or any person authorised by the Government or the Board, in the discharge of any duty imposed on or entrusted to him under this Act, or who having control over or custody of any records, fails to produce such records when required to do so or refuses information lawfully asked for by a member or officer of the Board or by a person authorised by the Government

of the Board to inspect such records or ask for such information shall be punishable with fine which may extend to one thousand rupees.

Cognizance of offences.

24. (1) No Court other than the Court of a Magistrate of the First Class shall take cognizance of any offence punishable under this Act.

(2) No Court shall take cognizance of an offence punishable under section 19, except on complaint made by an officer authorised in this behalf by the Government or of an offence punishable under any other section except on complaint made with the previous sanction of the Government by an officer authorised in this behalf by the Board.

Power of Board to determine amount of coffee sold by an estate.

25. The Board shall have power to determine, after such inquiry as it thinks fit, the amount of coffee which has, at the commencement of this Act, been sold, or been sold and delivered in the year by any registered estate, and the amount so determined shall be conclusive for the purpose of section 8.

Appeals to the Government.

26. (1) Any person aggrieved by an order of the Board refusing a licence to, or cancelling a licence of, a curing establishment may, within sixty days of the making of the order, appeal to the Government.

(2) Any person making an appeal under this section shall pay a fee of five rupees.

Inspection of records.

27. Any member of the Board, and any officer of the Board or other person authorised in this behalf by the Government or the Board, may enter any estate or any curing establishment and may require the production for his inspection of any records kept therein, or ask for any information relating to the production, storage or sale of coffee by the estate.

Inspection of records of the Board and obtaining of copies.

28. Any registered owner to whom an internal sale quota is allotted may, subject to the prescribed conditions, inspect the records maintained by the Board and may, on payment of the prescribed fee, obtain copies of any proceedings or orders of the Board.

Contracts.

29. Nothing in this Act shall apply to or affect any contract for the sale of coffee entered into,—

(*a*) before the third day of December 1940, by the owner of a coffee estate which has been subject to sub-section (1) of section 5 from the commencement of the Emergency Act, or

(*b*) before 28th day of August 1941 by the owner of a coffee estate which became subject to sub-section (1) of section 5 on the commencement of this Act,

if in the case referred to in clause (*a*) before the expiration of twenty-one days from the commencement of the Emergency Act or in the case referred to in clause (*b*) before the expiration of twenty-one days from the commencement of this Act, the owner of the coffee estate or the exporter who has effected the contract has furnished to the Board particulars of such contract, but all contracts not saved by the provisions of this section shall, in so far as they are at variance with the provisions of this Act, be void.

Power to make rules.

30. The Government may by notification in the official Gazette, make rules to carry out the purposes of this Act.

Power of delegation.

31. The Government may delegate all or any of the powers conferred on it by any of the provisions of this Act to the Board or to the Controller of coffee.

Repeal and Savings.

32. The Emergency Act continued by the Mysore Coffee Market Expansion (Emergency Continuance) Act, 1941, is hereby repealed. But any rules made, anything done and any action taken in exercise of any power conferred by or under the said Emergency Act or the Mysore Coffee Market Expansion (Emergency Continuance) Act, 1941, shall be deemed to have been made, done or taken in exercise of powers conferred by or under this Act as if this Act had commenced on the 21st December 1940.

NOTIFICATION.

Order No. Rl. 854—*Legis.*23-41-1, *Bangalore dated 30th October* 1941.

Ordered that the accompanying Mysore Coffee Market Expansion (Emergency) (Second amendment) Act, 1941, which received the assent of His Highness the Maharaja, on the 27th day of October 1941, be published as Act No. XXIII of 1941, in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

ACT No. XXIII OF 1941.

THE MYSORE COFFEE MARKET EXPANSION (EMERGENCY) (SECOND AMENDMENT ACT, 1941.)

(*Received the assent of His Highness the Maharaja on the 27th day of October* 1941.)

WHEREAS the Government of His Highness the Maharaja is satisfied that circumstances exist which render it necessary to take immediate action further to amend the Mysore Coffee Market Expansion (Emergency) Act, 1940 (XXVIII of 1940), continued by the Mysore Coffee Market Expansion (Emergency Continuance) Act, 1941 (XI of 1941);

Now therefore in exercise of the powers conferred by sub-section (1) of section 31 of the Government of Mysore Act, 1940 (XVIII of 1940);

It is hereby enacted as follows:—

1. (1) This Act may be called the Mysore Coffee Market Expansion (Emergency) (Second Amendment) Act, 1941. Short title and commencement.

(2) It shall come into force at once.

Amendment of Section 5, Act XXVIII of 1940.

2. In sub-section (1) of section 5 of the Mysore Coffee Market Expansion (Emergency) Act, 1940, continued by the Mysore Coffee Market Expansion (Emergency Continuance) Act, 1941 (hereinafter referred to as the said Act), for the word "twenty-five" the word "ten" shall be substituted.

Substitution of new section for section 29 Act XXVIII, of 1940. Contracts.

3. For section 29 of the said Act, the following section shall be substituted, namely

"29. Nothing in this Act, shall apply to or affect any contract for the sale of coffee entered into,—

(*a*) before the 3rd day of December 1940, by the owner of a coffee estate which has been subject to sub-section (1) of section 5 from the commencement of this Act, or

(*b*) before the 28th day of August 1941, by the owner of a coffee estate which became subject to sub-section (1) of section 5 on the commencement of the Mysore Coffee Market Expansion (Emergency) (Second Amendment) Act, 1941.

If in the case referred to in clause (*a*) before the expiration of twenty-one days from the commencement of this Act, or in the case referred to in clause (*b*) before the expiration of twenty-one days from the commencement of the Mysore Coffee Market Expansion (Emergency) (Second Amendment) Act, 1941, the owner of the coffee estate or the exporter who has effected the contract has furnished to the Board particulars of such contract, but all contracts not saved by the provisions of this section shall, in so far as they are at variance with the provisions of this Act, be void.

N. MADHAVA RAU,
Dewan.

Price: 0-0-3.

Printed by the Superintendent at the Government Press, Bangalore.

NOTIFICATION.

No. Rl. 1155, *dated Bangalore, the 18th December* 1941.

Ordered that the accompanying Mysore Coffee Market Expansion Act, 1941, which received the assent of His Highness the Maharaja on the 17th day of December 1941, be published as Act No. XXIV of 1941 in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO,

Secretary to Government, Law Department.

ACT NO. XXIV OF 1941.

THE MYSORE COFFEE MARKET EXPANSION ACT, 1941.

(Received the assent of His Highness the Maharaja on the 17th day of December 1941).

WHEREAS the Mysore Coffee Market Expansion (Emergency) Act, 1940, was promulgated on the 20th day of December 1940 to provide for assistance to the coffee industry by regulating the export of coffee from, and the sale of coffee in, Mysore and by other means and was continued by the Mysore Coffee Market Expansion (Emergency Continuance) Act, 1941.

AND WHEREAS it is expedient to continue the provisions contained in the aforesaid Acts; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Mysore Coffee Market Expansion Act, 1941.

(2) It extends to the whole of Mysore.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "the board" means the Indian Coffee Market Expansion Board constituted by the Government of India under the Ordinance;

(*b*) "coffee" means the commodity derived from the fruit of the rubiaceous plant known by that name, and includes raw coffee, cured coffee, uncured coffee, roasted coffee and prepared coffee;

(*c*) "controller of coffee" means the controller of coffee appointed under the Ordinance;

(*d*) "curing" means the application to raw coffee f mechanical processes, other than pulping, for the pur- ose of preparing it for marketing;

(*e*) "curing establishment" means any place to hich raw coffee is sent by a registered owner for curing, nd includes any estate which the Board may declare to be a curing establishment for the purposes of this Act;

(*f*) "Emergency Act" means the Mysore Coffee Market Expansion (Emergency) Act, 1941.

(*g*) "estate" means an area administered as one unit which contains land planted with coffee plants;

(*h*) "internal sale quota" means that portion stated in terms of bulk or weight, of the whole of the coffee produced by an estate in the year which a registered estate is permitted to sell in the Indian market;

(*i*) "Ordinance" means the Coffee Market Expansion Ordinance, 1940, of the Government of India;

(*j*) "prescribed" means prescribed by rules made under this Act;

(*k*) "registered estate" means an estate in respect of which an owner is registered under sub-section (1) of section 5, or under sub-section (1) of section 14 of the Ordinance, or under any law or rule having the force of law of an Indian State; and includes also any estate in respect of which an owner is required to be registered under the provisions abovementioned;

(*l*) "registered owner" means an owner of a registered estate who has been or is required to be registered under sub-section (1) of section 5

(*m*) "surplus pool" means the stock of coffee accumulated by the Board out of the amounts delivered to the Board under section 14.

(*n*) "year" means the period of twelve months beginning on the 1st day of July and ending on the 30th day of June following.

Duty of excise.

3. A duty of excise shall be levied at such rate not exceeding one rupee per hundredweight as may be fixed by the Government, on the recommendation of the Board,

by notification in the official Gazette on all coffee, except coffee sold and delivered before the estate became subject to the provisions of sub-section (1) of section 5, which a registered estate is permitted by the internal sale quota allotted to it to sell in the Indian market, whether such coffee is actually sold or not, and on all coffee released for sale in India by the Board from the surplus pool.

Payment of proceeds of duty to the Board and manner of realisation by the Board.

4. (1) The proceeds of the duty of excise levied under section 3 shall be paid to the Board for credit to the general fund of the Board.

(2) The duty of excise on coffee shall be payable by the registered owner of the estate producing the coffee and shall be realised by the Board by the deduction of the amount of the duty payable by such owner from any sum due to him on account of sales from the surplus pool. It shall be a first charge on such sum, and shall, if not capable of realisation by deduction as aforesaid, be paid to the Board by the registered owner within one month of demand by the Board or thereafter be recoverable from him as an arrear of land revenue.

(3) The Board shall have power to adjudge by bulk the number of hundredweights contained in any quantity of uncured coffee.

(4) No action of the Board under this section shall be called in question by any Court.

Registration of owners of coffee estates.

5. (1) Every person owning land planted with coffee plants aggregating not less than 10 acres, whether such land is comprised in one estate or in more than one estate shall, before the expiration of one month from the commencement of this Act, or before the expiration of one month from the date on which, after the commencement of this Act, he first becomes subject to the provisions of this sub-section, apply to the registering officer appointed in this behalf by the Government to be registered as an owner and in respect of each estate owned by him :

Provided that where the estate or estates in question are situated partly in Mysore and partly in another Indian State or States, the application shall be made to the registering officer appointed by any State.

Provided further that the Government may from time to time by notification in the Official Gazette fix any other registrable area whereupon the owner shall become subject to the provisions of this sub-section.

(2) A registration once made shall continue in force until it is cancelled by the registering officer.

(3) If any question arises whether an owner of an estate is or is not required to be registered under this section, the question shall be decided by the Controller of Coffee.

Power of Governmen to make rules.

6. (1) The Government may, by notification in the official Gazette, make rules to carry into effect the provisions of section 5.

(2) Without prejudice to the generality of the foregoing power, such rules may prescribe the form of the application for registration and for cancellation of registration, the fee payable on such applications, the particulars to be included in such applications, the procedure to be followed in granting and cancelling registration, the registers to be kept by registering officers, and the supply by registering officers of information to the Board.

Maximum prices for sale of coffee wholesale.

7. (1) The Government may, after consultation with the Board, by notification in the official Gazette fix the maximum price or prices at which coffee may be sold wholesale in the Indian market.

(2) No registered owner or licensed curer shall sell coffee wholesale in the Indian market at a price exceeding the maximum fixed under this section.

Sale of coffee in excess of internal sale quota.

8. No registered owner shall sell or contract to sell in the Indian market coffee from any registered estate if by such sale the internal sale quota allotted to that estate is exceeded:

Provided that nothing in this section shall apply to coffee sold from a registered estate in excess of the internal sale quota if such sale was in pursuance of a contract of sale entered into before the estate became subject to the provisions of sub-section (1) of section 5 and if, after the estate became so subject, no coffee has been sold from that estate in the Indian market except in pursuance of a contract of sale entered into before the estate became subject to the provisions of sub-section (1) of section 5.

Sale of coffee how made.

9. No registered owner shall sell coffee unless either—

(*a*) it has been cured at, or is delivered to the buyer through a curing establishment licensed under section 16 or,

(*b*) it is sold under and in accordance with the provisions of a licence procured from the Government under section 13.

Storage or sale of coffee from un-registered estate.

10. No owner of an estate not registered under this Act shall sell from, or store on his estate or cause or permit to be sold from or stored on his estate any coffee not grown on the estate.

Internal sale quota.

11. (1) The Government shall, as soon as may be, allot to each registered estate an internal sale quota for the year.

(2) The internal sale quota shall be a fixed percentage common to all registered estates, of the probable total production of the estate in the year as estimated by the Board.

(3) The Government may at any time vary the internal quota by varying the fixed percentage common to all registered estates, or may express the whole or any part of the internal sale quota of an estate in terms of bulk instead of in terms of weight.

Returns to be made by registered owners.

12. (1) A registered owner shall furnish to the Board at the prescribed times and in the prescribed manner such return as may be prescribed.

(2) If any registered owner fails to furnish the returns required under sub-section (1) in respect of any estate, the Government may refuse to allot an internal sale quota to that estate, or, where an internal sale quota has already been allotted, may cancel it.

(3) The Government may authorise an officer to visit any estate at any time to verify the accuracy of any return made under this section or to ascertain the productive capacity of the estate.

Licences for sale of uncured Coffee

13. The registered owner of any estate may, subject to the prescribed conditions and so long as the internal sale quota allotted to that estate will not be exceeded by the proposed sale, obtain from the Government a licence for the sale from that estate of uncured coffee.

Surplus coffee and surplus pool.

14. (1) All coffee produced by a registered estate in excess of the amount specified in the internal sale quota allotted to that estate shall be delivered to the Board for inclusion in the surplus pool by the owner of the estate or by the curing establishment receiving the coffee from the estate.

(2) Delivery shall be made to the Board in such places and in such manner as the Board may direct, and

such directions may provide for partial delivery to the surplus pool at any time whether or not at that time the internal sale quota has been exceeded, and the coffee delivered shall, unless the Board otherwise directs in the case of coffee already in curing establishments at the commencement of this Act, be such as to represent fairly in kind and quality the produce of the estate. The Board may reject any consignment offered for delivery which does not satisfy this requirement, but shall not reject any consignment merely for a defect in curing.

(3) Coffee delivered for inclusion in the surplus pool shall, upon delivery to the Board, remain under the control of the Board which shall be responsible for storage, curing where necessary, and marketing of the coffee.

(4) The Board shall prepare a differential scale for the valuation of coffee, and shall, in accordance with that scale, classify the coffee in each consignment delivered for inclusion in the surplus pool according to its kind and quality, and shall make an assessment of its value based on its quantity, kind and quality.

(5) The Board may, with the consent of a registered owner, before an internal sale quota has been allotted to an estate, treat as having been delivered for inclusion in the surplus pool any coffee from such estate which the registered owner may agree to have so treated.

Coffee to be cured in licensed curing establishments.

15. No registered owner shall cause or allow coffee to be cured elsewhere than in a licensed curing establishment, whether the curing establishment is maintained by himself or by another person.

Licenses of curing establishments.

16. Every establishment for curing coffee shall obtain from the Government a licence to operate as such.

Information to be supplied to the Board in connection with curing.

17. (1) A registered owner when sending coffee to a curing establishment shall report to the Government, separately for each estate from which coffee is sent, the amount of coffee sent; and the curing establishment shall, in accordance with such instructions as may be issued by the Government and having regard to the internal sale quota of the estate, apportion each such consignment into two parts, one part consisting of coffee intended for internal sale and one part of coffee intended to be delivered for inclusion in the surplus pool and shall report to the Government the amount of coffee in each such part.

(2) Every curing establishment shall, so far as may be, comply with the provisions of sub-section (1) in

respect of all coffee in the establishment at the commencement of this Act.

(3) A registered owner curing coffee in a curing establishment maintained by himself shall supply to the Government the information specified in sub-section (1).

(4) A curing establishment which buys or receives uncured coffee from any person shall ascertain the estate on which the coffee was produced and shall report to the Government the quantity of coffee so obtained and the estate or estates from which it came.

(5) Every curing establishment shall maintain accounts in such forms as may be required by the Government and such accounts shall be open to inspection at any time by the Government or by an officer authorised in this behalf by the Government.

Payments to registered owners.

18. The registered owner of an estate in Mysore shall be paid from the pool fund maintained under the Ordinance, payments for coffee delivered by him for inclusion in the surplus pool which he would be entitled to receive under the Ordinance if such estate had been situated in British India.

Failure to register.

19. Any owner of a coffee estate who fails to apply for registration in accordance with section 5 shall be punishable with fine which may extend to one thousand rupees and to a further fine which may extend to five hundred rupees for each month after the first during which such failure continues.

Sale of coffee in contravention of section 7, 8, 9 or 10.

20. (1) Any registered owner who contravenes the provisions of sub-section (2) of section 7, or section 8, or section 9, any licensed curer who contravenes the provisions of sub-section (2) of section 7 ; and any person who contravenes the provisions of section 10 shall be punishable with fine which may extend to one thousand rupees.

(2) When a registered owner is convicted under this section, the Board may thereafter deduct from any payment to be made under section 18 to such registered owner a sum equal to the value as estimated by the Board of any coffee unlawfully sold by him.

Unlicensed curing establishment.

21. If any curing establishment operates as such without a licence, the owner shall be punishable with fine which may extend to five hundred rupees.

False returns.

22. Any person who makes in any return to be furnished under section 12 or in any report to be made

under section 17 any statement which is false and which he knows to be false or does not believe to be true shall be punishable with fine which may extend to one thousand rupees.

Obstruction.

23. Whoever obstructs any member or officer of the Government or the Board or any person authorised by the Government or the Board, in the discharge of any duty imposed on or entrusted to him under this Act, or who, having control over or custody of any records, fails to produce such records when required to do so or refuses information lawfully asked for by a member or officer of the Board or by a person authorised by the Government or the Board to inspect such records or ask for such information shall be punishable with fine which may extend to one thousand rupees.

Cognizance of offences.

24. (1) No Court other than the Court of a Magistrate of the First Class shall take cognizance of any offence punishable under this Act.

(2) No Court shall take cognizance of an offence punishable under section 19, except on complaint made by an officer authorised in this behalf by the Government or of an offence punishable under any other section except on complaint made with the previous sanction of the Government by an officer authorised in this behalf by the Board.

Power of Board to determine amount of coffee sold by an estate.

25. The Board shall have power to determine, after such inquiry as it thinks fit, the amount of coffee which has, at the commencement of this Act, been sold, or been sold and delivered in the year by any registered estate, and the amount so determined shall be conclusive for the purpose of section 8.

Appeals to the Government.

26. (1) Any person aggrieved by an order of the Board refusing a licence to, or cancelling a licence of, a curing establishment may, within sixty days of the making of the order, appeal to the Government.

(2) Any person making an appeal under this section shall pay a fee of five rupees.

Inspection of records.

27. Any member of the Board, and any officer of the Board or other person authorised in this behalf by the Government or the Board, may enter any estate or any curing establishment and may require the production for his inspection of any records kept therein, or ask for any information relating to the production, storage or sale of coffee by the estate.

Inspection of records of the Board and obtaining of copies.

28. Any registered owner to whom an internal sale quota is allotted may, subject to the prescribed conditions, inspect the records maintained by the Board and may, on payment of the prescribed fee, obtain copies of any proceedings or orders of the Board.

Contracts.

29. Nothing in this Act shall apply to or affect any contract for the sale of coffee entered into,—

(*a*) before the Third Day of December 1940, by the owner of a coffee estate which has been subject to sub-section (1) of section 5 from the commencement of the Emergency Act, or

(*b*) before 28th day of August 1941 by the owner of a coffee estate which became subject to sub-section (1) of section 5 on the commencement of this Act,

if in the case referred to in clause (*a*) before the expiration of twenty-one days from the commencement of the Emergency Act or in the case referred to in clause (*b*) before the expiration of twenty-one days from the commencement of this Act, the owner of the coffee estate or the exporter who has effected the contract has furnished to the Board particulars of such contract, but all contracts not saved by the provisions of this section shall, in so far as they are at variance with the provisions of this Act, be void.

Power to make rules.

30. The Government may by notification in the Official Gazette, make rules to carry out the purposes of this Act.

Power of delegation.

31. The Government may delegate all or any of the powers conferred on it by any of the provisions of this Act to the Board or to the Controller of Coffee.

Repeal and Savings.

32. The Emergency Act continued by the Mysore Coffee Market Expansion (Emergency Continuance) Act, 1941, is hereby repealed. But any rules made, anything done and any action taken in exercise of any power conferred by or under the said Emergency Act or the Mysore Coffee Market Expansion (Emergency Continuance) Act, 1941, shall be deemed to have been made, done or taken in exercise of powers conferred by or under this Act as if, this Act had commenced on the 21st December 1940.

N. MADHAVA RAU,
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